

**WORKFORCE DEVELOPMENT DEPARTMENT[871]**

**Adopted and Filed Emergency**

**Rule making related to notification of availability of unemployment insurance**

The Director of the Workforce Development Department hereby amends Chapter 22, “Employer Records and Reports,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 96.11.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136).

*Purpose and Summary*

New rule 871—22.19(96) is proposed because the U.S. Department of Labor has added a requirement as a result of the pandemic, which is included in Unemployment Insurance Program Letter (UIPL) No. 13-20, that states must require employers to notify their employees of the availability of unemployment insurance (UI) upon separation.

*Reason for Adoption of Rule Making Without  
Prior Notice and Opportunity for Public Participation*

Pursuant to Iowa Code section 17A.4(3), the Department finds that notice and public participation are unnecessary or impractical because emergency adoption was approved by the Administrative Rules Review Committee. In compliance with Iowa Code section 17A.4(3)“a,” the Administrative Rules Review Committee at its July 14, 2020, meeting reviewed this rule making and approved the emergency adoption.

*Reason for Waiver of Normal Effective Date*

Pursuant to Iowa Code section 17A.5(2)“b”(1)(b), the Department also finds that the normal effective date of this rule making, 35 days after publication, should be waived and the rule making made effective on July 23, 2020. Due to the recent pandemic, the U.S. Department of Labor has added a requirement, and included in interpretation of UIPL No. 13-20, that states must require employers to notify their employees of the availability of UI upon separation. This rule making will confer a benefit to the public because complying with the requirements of the U.S. Department of Labor, the State of Iowa will be permitted to receive federal funds. The Department has determined that an immediate effective date is useful to further the purposes of this rule making and comply with the federal requirement.

*Adoption of Rule Making*

This rule making was adopted by the Director of the Department on July 21, 2020.

*Concurrent Publication of Notice of Intended Action*

In addition to its adoption on an emergency basis, this rule making has been initiated through the normal rule-making process and is published herein under Notice of Intended Action as **ARC 5128C** to allow for public comment.

### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

### *Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

### *Effective Date*

This rule making became effective on July 23, 2020.

The following rule-making action is adopted:

Adopt the following **new** rule 871—22.19(96):

#### **871—22.19(96) Notification of availability of unemployment insurance.**

**22.19(1)** Upon separation from employment, an employer shall provide documentation to an employee of the availability of unemployment insurance.

**22.19(2)** The notice shall inform employees of the following:

- a.* Unemployment insurance benefits are available to workers who are unemployed and who meet the state's eligibility requirements;
- b.* Employees may file a claim in the first week that employment stops or work hours are reduced;
- c.* Employees may file claims online at [iowaworkforcedevelopment.gov](http://iowaworkforcedevelopment.gov) or by telephone at (866)239-0843;
- d.* Employees must provide the department with the following information to process the claim:
  - (1) Full legal name;
  - (2) Social security number;
  - (3) Authorization to work (if the employee is not a U.S. citizen or resident);
  - (4) Last employer name and address;
  - (5) Start and end dates of the employee's last employment;
  - (6) Additional information upon request of the department.

This rule is intended to implement Iowa Code chapter 96 and the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136).

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